

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE GUARDIAN NEWS, INC.,

Plaintiff,

- against -

VILLAGE OF BRONXVILLE, New York,

Defendant.

Docket No.: 07 CIV 3810

**STIPULATION  
AND ORDER  
OF SETTLEMENT  
DISCONTINUANCE**  
*with Prejudice*

**WHEREAS**, plaintiff commenced this action challenging the constitutionality of § 260-3 of the Village Code of the Village of Bronxville, and

**WHEREAS**, the parties desire to resolve this action without further accrual of costs or expenses; and

**WHEREAS**, in agreeing to this Stipulation and Order of Settlement, defendant does not admit either that plaintiff's complaint has any merit or that plaintiff would be entitled to any damages in the absence of a settlement;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the respective parties in this action, that:

1. The Village of Bronxville has no legislation and/or rules and/or regulations that specifically relate to the placement of newstracks and/or the dissemination of newspapers on municipally owned property.
2. Plaintiff hereby agrees to discontinue this action, with prejudice, and without costs, fees, and expenses of any kind, including attorneys fees.
3. Nothing herein shall be deemed to prevent the Village of Bronxville in the future from enacting any legislation and/or rule and/or regulation

relating to the placement of newsracks and/or the dissemination of newspapers on municipally owned property, recognizing that plaintiff shall retain the right to judicially challenge any such legislation and/or rule and/or regulation.

**IT IS FURTHER AGREED** that a facsimile copy of this Stipulation shall have the same force and effect as an original.

Dated: Mineola, New York


~~November 30, 2007~~

*January 3, 2008*

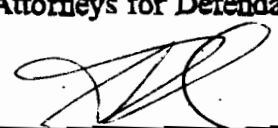
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ADAM I. KLEINBERG (AIK-0468)  
The Esposito Building  
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Mineola, New York 11501  
(516) 741-7676  
Our File No.: 07-389

SO ORDERED:

*January 7, 2008*

  
U.S.D.J.